

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

HB 417 – SB 974

April 9, 2013

SUMMARY OF ORIGINAL BILL: Creates 31 additional assistant district attorneys general positions (ADAs). The positions shall be designated in judicial districts based on a report prepared by the District Attorneys General Conference (DAGC) which is to be delivered to the Speakers of the House and Senate.

Directs the general assembly to enact legislation during the second session of the 108th General Assembly that designates the additional positions to the appropriate judicial districts.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$2,116,400/FY13-14
\$2,581,300/FY14-15 and Subsequent Years

SUMMARY OF AMENDMENT (006309): Deletes all language after the enacting clause.

Creates 20 additional ADA positions. Ten are created October 1, 2013, and ten are created July 1, 2014. The positions shall be designated in judicial districts based on reports prepared by the DAGC which are to be delivered by October 1, 2013, and July 1, 2014, respectively to the Speakers of the House and Senate.

Directs the general assembly to enact legislation during the second session of the 108th General Assembly and the first session of the 109th General Assembly that designates the additional positions to the appropriate judicial districts.

Creates a new designation for ADAs of Deputy District Attorney General. Each district attorney general may designate an ADA as the deputy. An ADA is eligible for designation if (1) the individual is an ADA and (2) has 25 years of service as an ADA, a district attorney general, an assistant public defender, a public defender, or a federal prosecutor. A deputy district attorney shall be paid a salary of \$135,000, subject to future increases for state employees as set out each year in the general appropriations act or similar act.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On April 7, 2013, a fiscal memorandum was issued estimating the fiscal impact as follows:

*Increase State Expenditures – \$526,100/FY13-14
\$1,307,600/FY14-15
\$1,250,400/FY15-16 and Subsequent Years*

Other Fiscal Impact – According to the DAGC, the increase in salary for a deputy district attorney general designation will be accommodated within existing resources. The DAGC will not require any increased appropriation for FY13-14 or any subsequent years should a district decide to designate a current qualified individual as a deputy district attorney general.

Upon further review, it was realized that this impact was in error due to the use of incorrect salary information. The estimated impact is:

(CORRECTED)

**Increase State Expenditures – \$687,000/FY13-14
\$1,736,700/FY14-15
\$1,679,500/FY15-16 and Subsequent Years**

Other Fiscal Impact – According to the DAGC, the increase in salary for a deputy district attorney general designation will be accommodated within existing resources. The DAGC will not require any increased appropriation for FY13-14 or any subsequent years should a district decide to designate a current qualified individual as a deputy district attorney general.

Assumptions for the bill as amended:

- It is assumed that all 20 ADAs will be hired at a Level 4 salary (\$58,740). Each ADA position will increase recurring expenditures by \$73,568 {[\$58,740 salary + (\$58,740 x 0.1503) benefits + \$5,999.28 insurance]. The new positions will result in increased expenditures of \$1,471,360 (\$73,568 x 20).
- According to the DAGC, each ADA will require one-time expenditures for training and equipment of \$4,800 resulting in total one-time increase of \$96,000 (\$4,800 x 20).
- As a result of the 20 new positions, the DAGC will require six new secretaries to assist these new ADAs. According to the DAGC, it is assumed that all six secretaries will be hired at an entry level salary (\$24,936). Each secretary position will increase recurring expenditures by \$34,683 [\$24,936 salary + (\$24,936 x 0.1503) benefits + \$5,999.28 insurance]. The new positions will result in increased expenditures of \$208,098 (\$34,683 x 6).
- The new secretary positions will incur one-time expenditures of \$4,400 for equipment resulting in total one-time increase of \$26,400 (\$4,400 x 6).

- The bill would result in one-time expenditures of \$122,400 (\$96,000 + \$26,400) and a total increase in recurring expenditures of \$1,679,458 (\$1,471,360 + \$208,098).
- Ten of the ADA positions and three of the secretary positions will become effective October 1, 2013, resulting in three quarters of recurring expenditures for those positions.
- The bill would result in recurring expenditures of \$629,797 in FY 13-14 $\{[(\$73,568 \times 10) + (\$34,683 \times 3)] \times .75\}$. Total increase in expenditures in FY13-14 will be \$686,997. [\$629,797 recurring + (\$4,400 one-time x 13 positions)].
- The total increase in expenditures in FY14-15 will be \$1,736,658 [\$1,679,458 recurring expenditures + (\$4,400 one-time x 13 positions)].
- The total increase in expenditures in FY15-16 and subsequent years will be \$1,679,458.
- According to the DAGC, there are currently only 14 districts that have personnel who qualify for the deputy district attorney general designation. Any designation and subsequent pay increase will be subject to available funding from within the existing DAGC budget resources. Currently, there are only two districts where this designation may be implemented in the fall of 2014. Any increase in expenditures due to increased salaries for the new designation can be accommodated within existing resources. The DAGC will not require any increased appropriation for FY13-14 or any subsequent years due to the creation of the new designation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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